

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION**

<b>SIDNEY SMITH,</b>	)	<b>CASE NO. 7:15CV00023</b>
	)	
<b>Petitioner,</b>	)	
<b>v.</b>	)	<b>FINAL ORDER</b>
	)	
<b>HAROLD W. CLARKE,</b>	)	<b>By: Norman K. Moon</b>
	)	<b>United States District Judge</b>
<b>Respondent.</b>	)	

In accordance with the accompanying memorandum opinion, it is hereby

**ADJUDGED AND ORDERED**

that the petition for a writ of habeas corpus, pursuant to 28 U.S.C. § 2254, is **DISMISSED** as untimely filed, and this action is stricken from the active docket of the court.

Further, finding that petitioner has failed to make a substantial showing of the denial of a constitutional right as required by 28 U.S.C. § 2253(c)(1), a certificate of appealability is **DENIED**.

ENTER: This 14<sup>th</sup> day of May, 2015.

  
\_\_\_\_\_  
NORMAN K. MOON  
UNITED STATES DISTRICT JUDGE